

## DEVELOPMENT VARIANCE PERMIT

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<b>Permit No:</b>	DVP-2021-01
<b>Registered Owner:</b>	Cowichan Valley School District #79 2557 Beverly Street, Duncan, BC, V9L 2X3
<b>Subject Property:</b>	1040 College Street, Duncan, BC, V9L 2E8
<b>Description of Land:</b>	
Parcel Identifier:	007-725-728
Legal Description:	THAT PART OF LOT 1, BLOCK 4, SECTION 19, RANGE 5, QUAMICHAN DISTRICT, PLAN 1265-B, SHOWN IN RED ON PLAN FILED IN DD 10381-I
<b>Proposal:</b>	To construct a modular daycare in the Community Service zone

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### Conditions of Permit:

1. This permit is issued subject to compliance with all relevant City of Duncan bylaws, except as specifically varied or supplemented by this Permit.
2. This permit applies to the lands described above, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').
3. The Lands and building which are subject to this Permit shall be developed strictly in accordance with the terms and conditions of this Permit and in accordance with the following schedules:

#### Schedule A – Site Plan

4. This Development Variance Permit includes the following variances to City Bylaws, as shown in Schedule A:
  - a. To vary section 3.22.1 of Zoning Bylaw No. 3166, 2017:
    - i. **To reduce the minimum depth of the north and south *Interior Side Yard* landscape area from 0.5 m to 0.0 m.**
    - ii. **To reduce the minimum depth of the Rear Yard landscape area from 1.0 m to 0.0 m.**
  - b. To vary sections 5.1, 5.2 and 5.3 of the Works and Services Bylaw No. 3158, 2017:
    - i. **To vary the Schedule A requirement for the installation of 1.5 m of sidewalk along the frontage by 100%.**
    - ii. **To vary the Schedule A requirement for the removal and replacement of 50 mm asphalt to the centre of the road by 100%.**
    - iii. **To vary the Schedule C size requirement for sanitary sewer main from 200 mm to the existing 150 mm diameter main.**
5. As conditions of this permit, and prior to the issuance of a Building Permit, the following must be provided as shown:
  - a) A landscape works and materials deposit subject to the approval of the Manager of Planning and a security deposit in the form of a cash deposit or letter of credit valued at 125% of the estimated hard and soft landscaping costs, as authorized by Section 502 of the *Local Government Act*, to

ensure that any conditions with respect to landscaping are satisfied or to ensure that no conditions of the Permit are being breached resulting in an unsafe condition of the Land.

6. As a condition to varying the *Works and Services Bylaw* and prior to Building Permit issuance, the applicant must provide the following:
  - a. The applicant will provide a \$6,500.00 contribution towards the future sidewalk construction on the west side of College Street and crosswalk installation;
  - b. The applicant will provide a \$10,125.00 deposit for asphalt patching where required for service connections for the development; and
  - c. The applicant will provide a \$15,474.70 towards the future College Street sanitary main replacement.
7. Where the City of Duncan considers that:
  - a) *A condition in the Permit with respect to landscaping has not been satisfied, or*
  - b) *where, as a result of the contravention of a condition in a Permit, an unsafe condition has resulted.*

The City of Duncan may undertake and complete the works required to satisfy the landscaping condition or carry out any construction required to correct the unsafe condition, at the cost of the Permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the Permit holder.

8. Pursuant to section 504(2) of the *Local Government Act*, this permit will lapse two years from the date of the Development Permit approval unless construction, in accordance with the terms and conditions of this permit, has substantially started.
9. This permit is not a Building Permit.
10. Further to condition 7, construction is considered to be substantially started when a valid Building Permit for the development has been issued and shall not have lapsed; and excavation or construction works associated with the development hereby approved may have commenced to the satisfaction of the Director of Development Services. Demolition does not constitute construction.
11. Where any security is required by the City of Duncan, the security provided by the Permit holder is to be submitted at the time of Building Permit application submission.
12. Where the development authorized by this Permit has lapsed prior to commencement of any work pursuant to this Permit, the security shall be returned to the Permit holder.

**Date of Development Permit Approval/Issue by Council or its Delegate:**

This permit was approved on -- --, **2021**.

This permit expires on -- --, **2023**.

The City of Duncan

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**Director of Corporate Services**

**I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the City of Duncan has made no representations, covenants, warranties, guarantees, promises, or agreements (verbal or otherwise) with CHRIS BAKER, COWICHAN VALLEY SCHOOL DISTRICT #79, other than those contained in this Permit.**

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**Owner/Agent (signature)**

\_\_\_\_\_  
**Witness (signature)**

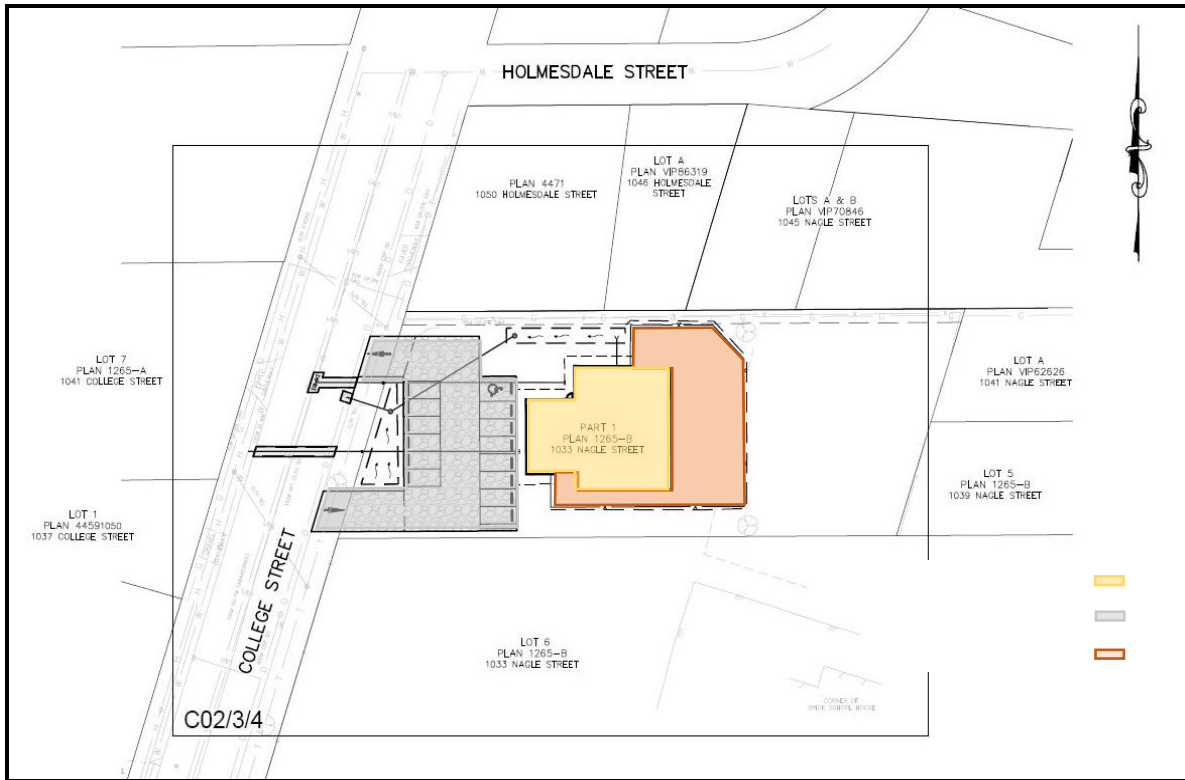
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**Print Name**

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**Print Name**

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**Date**

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**Date**

Schedule A – Site Plan



Requested Variances to Zoning Bylaw No. 3166, 2017:

